

Gary M. Hoffman (*Pro Hac Vice*)  
Kenneth W. Brothers (*Pro Hac Vice*)  
Eric Oliver (*Pro Hac Vice*)  
DeAnna Allen (*Pro Hac Vice*)  
DICKSTEIN SHAPIRO MORIN  
& OSHINSKY LLP  
2101 L Street, NW  
Washington, DC 20037-1526  
Telephone: (202) 785-9700  
Facsimile: (202) 887-0689

Edward A. Meilman (*Pro Hac Vice*)  
DICKSTEIN SHAPIRO MORIN  
& OSHINSKY LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714  
Telephone: (212) 835-1400  
Facsimile: (212) 997-9880

Jeffrey B. Demain, State Bar No. 126715  
Jonathan Weissglass, State Bar No. 185008  
ALTSHULER, BERZON, NUSSBAUM, RUBIN & DEMAIN  
177 Post Street, Suite 300  
San Francisco, California 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064

Attorneys for Ricoh Company, Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

1                   Ricoh Company Ltd. (“Ricoh”) hereby objects to the presentation materials submitted  
2 to the Court at the December 15, 2004 Claims Construction Hearing by Synopsys, Inc. and the  
3 Aeroflex et al. defendants (collectively “Defendants”). These presentation materials include (i)  
4 the three-ring notebook titled “Claims Construction Hearing for Judge Martin Jenkins December  
5 15, 2004” and (ii) the accompanying CD-ROM of the same title.

6                   Ricoh objects to these materials as violating the Court’s directive that the Claims  
7 Construction Hearing is to be limited to intrinsic evidence. In direct disregard of this directive,  
8 Defendants’ notebook and CD-ROM include extensive extrinsic evidence, including:

- 10                   •       notebook pages 46, 62, 68-76, 83, 88, 110-112, 121, 122; and
- 11                   •       the CD-ROM slides including the aforementioned notebook pages  
12                   and other extrinsic evidence, e.g., graphics prepared by  
13                   Defendants’ expert, statements from the declaration of such expert,  
14                   and citations to articles that are not part of the file history of the  
15                   ‘432 patent.

17                   For example, at least the following sections of Defendants’ CD-ROM include  
18 additional argument, extrinsic evidence and/or claim construction argument directed to claims  
19 other than those claims that the parties jointly agreed would be addressed at the Claims  
20 Construction Hearing:

- 21                   •       Introduction>Title Page (includes links to sections titled Designing,  
22                   Input, Selection, and Generating which each include active tabs  
23                   (i.e., links) to pages/slides that are not part of the Defendants’  
24                   presentation notebook, and that include extensive extrinsic  
25                   evidence).
- 27                   •       ASIC Background Section, and ASIC Design Section (neither of  
28

1 these sections was included in Defendants' December 15, 2004  
2 presentation notebook; additionally, each of these sections appears  
3 to primarily be lifted from the presentation of Defendants' expert).

4

- 5 • ASIC Background Section (*e.g.*, extrinsic evidence is found in the  
6 ASIC Production sub-section).
- 7 • ASIC Design Section (*e.g.*, extrinsic evidence is found in the  
8 ASIC Design Process Overview, Input Format, Levels of Input,  
9 and Types of Processing subsections).
- 10 • Claims Construction Section – (*e.g.*, extrinsic evidence is found in  
11 the Claim 13 sub-section; and additional argument directed to  
12 claim terms other than the ten jointly agreed upon terms for  
13 construction is found in the Claim 14 and Claims 15-17 sub-  
14 sections of the CD-ROM (these additional claim term arguments  
15 are also not included in Defendants' December 15, 2004  
16 presentation notebook)).

17

18 Defendants are attempting to use this CD-ROM to improperly provide the Court with  
19 an additional presentation outside of the actual Claims Construction Hearing. This additional  
20 presentation is improper, and clearly places Ricoh at a unfair disadvantage by presenting  
21 materials in direct contradiction of the Court's order limiting the presentations to intrinsic  
22 evidence.

23

24 On December 22, 2004, Ricoh sent a letter to opposing counsel requesting that  
25 Defendants withdraw: (i) the extrinsic evidence found throughout Defendants' presentation  
26 notebook, (ii) the extrinsic evidence found throughout Defendants' accompanying CD-ROM,  
27 and (iii) the slides/pages on the CD-ROM that are not also found in Defendants' presentation

1 notebook. (Exh. 1, Allen 12/22/04 letter to Corbin/Mavrakakis). To date, Defendants have  
 2 ignored Ricoh's request.

3 By weaving extrinsic evidence into their notebook and CD-ROM and by adding  
 4 materials on their CD-ROM that are not presented for discussion as part of their presentation  
 5 notebook (including *inter alia* extrinsic evidence and proposed constructions of additional terms  
 6 beyond the ten terms jointly agreed to), Defendants place Ricoh at a disadvantage. Defendants  
 7 should not be allowed to use such tactics to gain advantage in this litigation. Ricoh requests that  
 8 this Court consider requiring the Defendants to withdraw: all extrinsic evidence pages from their  
 9 notebook; all extrinsic evidence from their CD-ROM; and all additional claims construction and  
 10 other additional material from their CD-ROM that are not also properly provided in their  
 11 presentation notebook.

12  
 13 Dated: January 7, 2005

Ricoh Company, Ltd.

14 By: /s/ Gary M. Hoffman  
 15 Jeffrey B. Demain, State Bar No. 126715  
 16 Jonathan Weissglass, State Bar No. 185008  
 17 Altshuler, Berzon, Nussbaum, Rubin & Demain  
 177 Post Street, Suite 300  
 18 San Francisco, California 94108  
 19 Telephone: (415) 421-7151  
 Facsimile: (415) 362-8064

20 Gary M. Hoffman  
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 25 OSHINSKY LLP  
 26 2101 L Street NW  
 27 Washington, D.C. 20037-1526  
 28 Telephone: (202) 785-9700  
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